

Notice of Allowability

Application No.

10/758,301

Examiner

Robert A Hopkins

Applicant(s)

KENT ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 1/16/04.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 16 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1-16-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1 line 6, after "clean air", delete "inlet" and insert --outlet--.

In claim 3 line 3, delete "posistion" and insert -- position --

Allowable Subject Matter

Claims 1-8 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 recites "an air flow conduit having a first end arranged to be connected to the clean air outlet and a second end arranged to be connected to a source of suction; and an indicator member having a first position when the removable filter element is removed from the vacuum cleaner and a second position when the removable filter element is placed in the vacuum cleaner". Rau et al(5102435) discloses a vacuum cleaner including a dirty air inlet, clean air outlet, airflow path between the dirty air inlet and clean air outlet, a first separation means(16) and second separation means including a removable filter element(35), and an indicator member(switch 58) which is actuated by actuating fingers or members(52,53). However the vacuum cleaner does not include an air flow conduit having a first end arranged to be connected to the clean

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air outlet and a second end arranged to be connected to a source of suction. The source of suction is blower(28) which is located directly above the filter element(35). Also, the indicator member is an inside switch which is not readily visible to a user of the vacuum cleaner in at least one of the first and second positions, as claimed. European reference(0839494) discloses a vacuum cleaner having a housing with a lid and a dust bag within the housing, wherein the dust chamber includes a structure(12) which, when the dust bag is missing, adopts a position that blocks closing of the lid, and when the bag is present, can move against a restoring force into a release position. However European reference does not include a combination first separation means and second separation means, nor does the reference include an air flow conduit having a first end arranged to be connected to the clean air outlet and a second end arranged to be connected to a source of suction. Also , the indicator(12) is mounted on the inside and is not readily visible to a user of the vacuum cleaner in at least one of the first and second positions, as claimed. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide an air flow conduit having a first end arranged to be connected to the clean air outlet and a second end arranged to be connected to a source of suction; and an indicator member having a first position when the removable filter element is removed from the vacuum cleaner and a second position when the removable filter element is placed in the vacuum cleaner because neither Rau et al nor European reference suggest such a modification. Claims 2-8 depend on claim 1 and hence are also allowed.

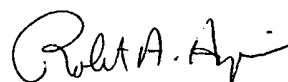
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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert A Hopkins
Primary Examiner
Art Unit 1724

Rah
September 28, 2004